

Message Text

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PAGE 01 STATE 096313
ORIGIN H-02

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DRAFTED BY H:AHMOSS:RMS
APPROVED BY H - DOUGLAS J. BENNET, JR
S/AB-AMB.POPPER (INFO)
THE ACTING SECRETARY (INFO)
L-MR.HANSELL (INFO)
ARA/PAN-MR.WYROUGH (INFO)
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FM SECSTATE WASHDC
TO AMEMBASSY PANAMA PRIORITY

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FOR THE AMBASSADOR FROM H-BENNET

E.O. 11652: N/A

TAGS: PGOV, PN

SUBJECT: NEW BROOKE RESERVATION/UNDERSTANDING

1. TEXTS OF RESERVATION AND UNDERSTANDING WORKED OUT WITH
SENATOR BROOKE YESTERDAY (APRIL 13) AS FOLLOWS:

RESERVATION:

"BEFORE THE PERIOD AT THE END OF THE RESOLUTION OF RATIFI-
CATION, INSERT A COMMA AND THE FOLLOWING: 'SUBJECT TO THE
RESERVATION THAT EXCHANGE OF THE INSTRUMENTS OF RATIFICATION
SHALL NOT BE EFFECTIVE EARLIER THAN MARCH 31, 1979, AND THE
TREATIES SHALL NOT ENTER INTO FORCE PRIOR TO OCTOBER 1,
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PAGE 02 STATE 096313

1979, UNLESS LEGISLATION NECESSARY TO IMPLEMENT THE PRO-
VISIONS OF THE PANAMA CANAL TREATY SHALL HAVE BEEN ENACTED
BY THE CONGRESS OF THE UNITED STATES OF AMERICA BEFORE
MARCH 31, 1979."

UNDERSTANDING:

"BEFORE THE PERIOD AT THE END OF THE RESOLUTION OF RATIFICATION, INSERT A COMMA AND THE FOLLOWING: 'SUBJECT TO THE UNDERSTANDING, WHICH IS TO BE MADE A PART OF THE INSTRUMENT

OF RATIFICATION, THAT BEFORE THE FIRST DAY OF THE THREE-YEAR PERIOD BEGINNING ON THE DATE OF ENTRY INTO FORCE OF THIS TREATY AND BEFORE EACH THREE-YEAR PERIOD FOLLOWING THEREAFTER, THE TWO PARTIES SHALL AGREE UPON THE SPECIFIC LEVELS AND QUALITY OF SERVICES, AS ARE REFERRED TO IN ARTICLE III, PARAGRAPH 5 OF THE TREATY, TO BE PROVIDED DURING THE FOLLOWING THREE-YEAR PERIOD AND, EXCEPT FOR THE FIRST THREE-YEAR PERIOD, ON THE REIMBURSEMENT TO BE MADE FOR THE COSTS OF SUCH SERVICES, SUCH SERVICES TO BE LIMITED TO SUCH AS ARE ESSENTIAL TO THE EFFECTIVE FUNCTIONING OF SUCH CANAL OPERATING AREAS AND SUCH HOUSING AREAS REFERRED TO IN PARAGRAPH 5 OF ARTICLE III OF THE TREATY. IF PAYMENTS MADE UNDER PARAGRAPH 5 OF ARTICLE III OF THE TREATY FOR THE PRECEDING THREE-YEAR PERIOD, INCLUDING THE INITIAL THREE-YEAR PERIOD, EXCEED OR ARE LESS THAN THE ACTUAL COSTS TO THE REPUBLIC OF PANAMA FOR SUPPLYING, DURING SUCH PERIOD, THE SPECIFIC LEVELS AND AVAILABILITY OF SERVICES AGREED UPON, THEN THE COMMISSION SHALL DEDUCT FROM OR ADD TO THE PAYMENT REQUIRED TO BE MADE TO THE REPUBLIC OF PANAMA FOR EACH OF THE FOLLOWING THREE YEARS ONE-THIRD OF SUCH EXCESS OR DEFICIT, AS THE CASE MAY BE. THERE SHALL BE AN INDEPENDENT AND BINDING AUDIT, CONDUCTED BY AN LIMITED OFFICIAL USE

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PAGE 03 STATE 096313

AUDITOR MUTUALLY SELECTED BY BOTH PARTIES, OF ANY COSTS OF SERVICES DISPUTED BY THE TWO PARTIES PURSUANT TO THE REEXAMINATION OF SUCH COSTS PROVIDED FOR IN THIS UNDERSTANDING." CHRISTOPHER

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